

Remarks

Applicants have carefully reviewed the Office Action mailed on May 8, 2007. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. With this amendment, claims 33, 34, and 40 are amended. No new matter is added. Please cancel claim 32 without prejudice. Claims 33-46 remain pending.

Claim Rejections Under 35 U.S.C. §103

Claims 32-46 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gray in WO 99/22673 in view of Littleford et al. in U.S. Patent No. 5,054,500. Please note that claim 32 is cancelled and claims 33 and 40 are amended to correct their dependency.

MPEP §2143 states that in order to establish a prima facie case of obviousness, all the claim limitations must be taught or suggested. Regarding claims 33-40, claim 34 is amended into independent form. Claim 34 recites, among other things, a first catheter shaft and a second catheter shaft slidably disposed within the first catheter shaft. Neither Gray nor Littleford et al. appear to teach or suggest these limitations, either alone or in combination. For example, Gray discloses a singular catheter 20 and not a first catheter shaft and a second catheter shaft. Similarly, Littleford et al. discloses a singular catheter 20. Because neither reference appears to teach or suggest a first catheter shaft and a second catheter shaft slidably disposed within the first catheter shaft, the cited art does not render the claimed invention obvious.

Based on the above remarks, Applicants respectfully submit that a prima facie case of obviousness has not been properly established for claim 34. Consequently, Applicants respectfully submit that claim 34 is patentable over the cited art. Because claims 33 and 35-40 depend from claim 34, they are also patentable for the same reasons and because they add significant elements to distinguish them further from the art.

Regarding claims 41-46, claim 41 similarly recites an outer catheter shaft and an inner catheter shaft slidably disposed in the outer catheter shaft. For reasons similar to what is set forth above, the cited art fails to teach or suggest these limitations. Consequently, Applicants respectfully submit that claim 41 is patentable over the cited

art. Because claims 42-46 depend from claim 41, they are also patentable for the same reasons and because they add significant elements to distinguish them further from the art.

Claims 32-46 are rejected under 35 U.S.C. §103(a) as being unpatentable over Garza et al. in U.S. Patent No. 4,665,918 in view of Hawkins et al. in U.S. Patent No. 4,790,812 and Littleford et al. For reasons similar to what is stated above, Applicants respectfully submit that there is no motivation to combine Littleford et al. with the other references to arrive at the claimed invention. For example, nothing in Littleford et al. teaches or suggest that the balloon disclosed therein would be useful to solve a problem similar the problem identified by Applicants' specification. Because of this, Littleford et al. cannot be properly combined with the other cited art. The remaining references fail to teach or suggest all the claim limitations. Consequently, Applicants respectfully submit that claims 32-46 are patentable over the cited art.

Double Patenting Rejections

Claims 32-46 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,168,579. Applicants respond to this rejection by enclosing herewith a terminal disclaimer in compliance with 37 CFR 1.321(c). Although not conceding the merits of this rejection, Applicants respectfully submit that the terminal disclaimer overcomes this rejection, as such filing has no effect on patent term.

Conclusion

Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

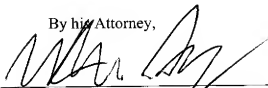
Respectfully submitted,

ROSS S. TSUGITA

By his Attorney,

Date:

July 30, 2007



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